REMARKS

Claims 66-68 and 73-80 are pending. Claim 66 and 76 are independent. Support for the amendments to Claims 66 and 67, as well as for new Claim 75 is found at page 24, lines 25-28 and throughout the specification. Support for new Claims 76 to 80 is found in the specification at page 26, lines 24-25; page 62, lines 6-10; page 65, lines 1-30 and throughout the specification. Accordingly, no new matter is incorporated by this amendment.

Rejection under 35 U.S.C. § 102

Claims 66-68 and 73-74 are rejected under 35 U.S.C. § 102(e) as purportedly anticipated by Ishizaka et al., U.S. Patent No. 5,786,168. Applicants respectfully traverse.

Applicants respectfully point out that the claims are directed to a diagnostic method for determining the amount of MIF protein in a patient, comprising (a) obtaining a sample from the patient; and (b) determining the amount of MIF in the sample using an immunoassay with an anti-MIF antibody, wherein the immunoassay is selected from the group consisting of ELISA, immunoprecipitation, immunohistocytochemistry, and Western analysis, and wherein MIF is a human MIF polypeptide having a molecular weight approximately 12.5 kDa, and wherein the anti-MIF antibody binds to the 12.5 kDa human MIF consisting of the amino acid sequence of SEQ ID NO: 5. The Ishizaka et al. patent fails to teach the claimed invention, expressly or inherently. Ishizaka et al. is directed to Glycosylation Inhibitory Factor (GIF) and its involvement in physiology and pathology. GIF is not Macrophage Migration Inhibitory Factor (MIF). Although not recognized in the Office Action, it is noted that Ishizaka et al. notes structural distinctions between GIF and MIF. See column 33, lines 27-44. This operates as an admission that GIF and MIF are in fact distinct. Therefore, Ishizaka et al. fails to anticipate the claims. Accordingly, reconsideration and withdrawal are respectfully requested.

CONCLUSION

All rejections having been addressed by the present response, Applicants assert that the present case is in condition for allowance and respectfully request early notice to that effect. If any issues remain to be addressed in this matter which might be resolved by discussion, the Examiner is respectfully requested to call Applicants' undersigned counsel at the number indicated below.

Respectfully submitted,

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SERIAL NO. 09/557,823

DOCKET NO.: 9511-057-27 DIV

MARKED-UP COPY OF AMENDED CLAIMS

66. (Three Times Amended) A diagnostic method for determining the amount of MIF protein in a [patient] sample, comprising:

(a) obtaining a [bodily fluid] sample [from the patient]; and

(b) determining the amount of MIF in the sample using an immunoassay with an anti-MIF antibody, wherein the immunoassay is selected from the group consisting of ELISA, immunoprecipitation, immunohistocytochemistry, and Western analysis, and wherein MIF is a human MIF polypeptide having a molecular weight of approximately 12.5 kDa, and wherein the anti-MIF antibody binds to the 12.5 kDa human MIF consisting of the amino acid sequence of SEQ ID NO: 5.

67. (Twice Amended) The diagnostic method of Claim 66, wherein the [bodily fluid] sample is selected from the group consisting of blood, serum, urine, lymph, saliva, tumor tissue, placental tissue, umbilical cord tissue, amniotic fluid, chorionic villi tissue and combinations thereof.